

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOSHUA PAYNE,

Plaintiff,

V.

C.O. KABILKO, et al.,

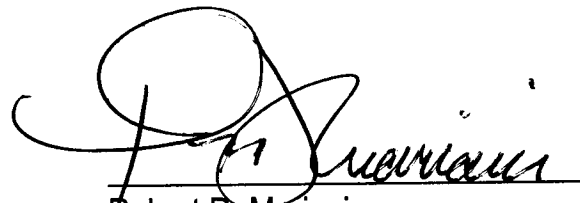
Defendants.

3:17-CV-2063  
(JUDGE MARIANI)

ORDER

AND NOW, THIS 18<sup>th</sup> DAY OF DECEMBER, 2017, upon review of Magistrate Judge Carlson's Report & Recommendation, (Doc. 6), for clear error and manifest injustice, IT IS HEREBY ORDERED THAT:

1. The Report & Recommendation, (Doc. 6), is **ADOPTED** for the reasons stated therein.
2. Plaintiff's claims against Deputy Superintendent Cronauer, Deputy Superintendent Mason, and Chief Grievance Officer Varner, are **DISMISSED WITHOUT PREJUDICE** for failure to state a claim upon which relief can be granted.
3. Plaintiff may amend his complaint within **twenty-one (21) days** from the date of this Order.
4. The case is **REMANDED** to Magistrate Judge Carlson for further proceedings consistent with this Order.

  
Robert D. Mariani  
United States District Court Judge